

IC 16-41-24

Chapter 24. Health, Sanitation, and Safety: Water Supplies

IC 16-41-24-1

Deposit of deleterious substances prohibited

Sec. 1. A person may not deposit or cause or permit to be deposited in the waters of Indiana a substance that meets any of the following conditions:

- (1) Is deleterious to the public health or to the prosecution of any industry or lawful occupation in which the water may be lawfully used.
- (2) Adversely affects any agricultural, floricultural, or horticultural pursuit.
- (3) Lessens or impairs any livestock industry or the use of the water for domestic animals.
- (4) Lessens, impairs, or materially interferes with the use of the water by the state or any political subdivision of the state.
- (5) Destroys or jeopardizes any beneficial animal, fish, or vegetable life in the water.

As added by P.L.2-1993, SEC.24.

IC 16-41-24-2

Pollution abatement actions

Sec. 2. (a) A person who has suffered or is threatened with damage because of pollution of water by any person may bring a suit to abate the pollution or threatened pollution.

(b) A suit under this section must originate in a superior or circuit court in the jurisdiction in which the pollution occurs or is threatened.

As added by P.L.2-1993, SEC.24.

IC 16-41-24-3

Sale of unfit water prohibited

Sec. 3. A person, firm, or corporation may not offer for sale for public consumption any drinking water, bottled water, or mineral water that shows a bacteriological or chemical content deleterious to public health. The state department shall prohibit the further distribution or consumption of the unfit water.

As added by P.L.2-1993, SEC.24.

IC 16-41-24-4

Analysis of potability and suitability

Sec. 4. At intervals designated by the state department, a person offering for sale for public consumption any drinking water, bottled water, or mineral water shall submit to the state department samples of the drinking water, bottled water, or mineral water, natural or treated, for analysis to determine the water's potability and suitability for the purpose for which the water is intended.

As added by P.L.2-1993, SEC.24.

IC 16-41-24-5**Analysis costs**

Sec. 5. For each sample of water analyzed and tested each year, the state department shall collect a fee of not more than ten dollars (\$10) to be paid into the state general fund.

As added by P.L.2-1993, SEC.24.

IC 16-41-24-6**Enforcement**

Sec. 6. The state department shall enforce this chapter and the statutes relating to pollution of waters and public water supply, except where jurisdiction is vested in the water pollution control board and the department of environmental management.

As added by P.L.2-1993, SEC.24.

IC 16-41-24-7**Sewage treatment plant assessments**

Sec. 7. All municipalities may provide the means for paying the cost of constructing a plant for purifying the discharge of public sewers and drains by assessing the cost of the plant against all of the several parcels of real property situated within the corporate limits and make each assessment in an amount as great as but not greater than the value of the benefits received by each parcel respectively as the result of the construction of the plant.

As added by P.L.2-1993, SEC.24.

IC 16-41-24-8**Assessments against real property**

Sec. 8. Statutes for the construction of public sewers and assessing the cost of the sewers against real property in the municipalities apply to the construction of sewage treatment plants and the assessing of the cost of the plant against the real property benefited.

As added by P.L.2-1993, SEC.24.

IC 16-41-24-9**Payment of assessments by installment**

Sec. 9. At the option of the owner assessed, the assessment may be paid in ten (10) equal annual installments as in the case of assessments for other sewers.

As added by P.L.2-1993, SEC.24.

IC 16-41-24-10**Water testing fees and costs**

Sec. 10. (a) For testing a sample of water for a private person, firm, or corporation not offering drinking water, bottled water, or mineral water for sale for public consumption, the state department shall charge and collect a fee of not more than ten dollars (\$10). In addition, the state department may charge a mailing and shipping charge to defray the costs of mailing and shipping.

(b) A fee and the mailing and shipping charges collected under this section shall be deposited in a revolving fund to the credit of the state department and used to defray the expenses.

(c) The state department may adopt rules under IC 4-22-2 to set a fee under this section. The fee must equal an amount necessary to cover the cost of the test.

As added by P.L.2-1993, SEC.24.

IC 16-41-24-11

Violations

Sec. 11. (a) Except as otherwise provided, a person who recklessly violates or fails to comply with this chapter commits a Class B misdemeanor.

(b) Each day a violation continues constitutes a separate offense.

As added by P.L.2-1993, SEC.24.